IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.78022-M of 2006

DATE OF DECISION:09.02.2007

Kewal Singh & Ors. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Mrs. K.K. Kahlon, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

Shri Malkeet Singh, Advocate
for the complainant.

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The Petitioners apprehending their arrest in a non-bailable offence in case FIR No. 257 dated 7.11.2006 under Sections 323/324/326/506/34 IPC, registered at Police Station Banga, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that initially the aforesaid FIR was registered under Sections 323/324/506/34 IPC and subsequently on the basis of the opinion of the doctor, the offence under Section 326 IPC was also added. Counsel for the petitioners further contends that the injury under Section 326 IPC has been attributed to petitioner No.2-Sher Singh and the said injury was caused on the left elbow of the complainant. Counsel also contends that in this case Sher Singh himself has received six injures in which injury No.4 is a grievous one. Counsel further contends that as far as the other petitioners are concerned, they have been attributed simple injuries.

Counsel for the petitioners further contends that in view of the order dated 12.12.2006, the petitioners have joined the investigation. Counsel for the respondent-State on instructions from ASI Lakhvinder Singh does not dispute this fact and further states that the petitioners are no more required for custodial interrogation.

In view of the above, the interim bail, granted vide order dated 12.12.2006 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 09, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**